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ROBERT B. HUGHES
HUGHES & SCHACHT, PLLC
2801 MERIDIAN STREET
SUITE 1
BELLINGHAM WA 98225-2412

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OFFICE OF PETITIONS

In re Application of:

Blum

Filed: 1 December, 2000

Application No. 09/728,633

Docket No.: P113414

ON PETITION

This is a decision on the petition filed herein on 30 January, 2003, under 37 C.F.R. §1.137(b)¹ to revive the above-identified application, and the subsequent request filed on 6 May (and supplemented on 7 May), 2003, that the petition be withdrawn as improvidently filed.

For the foregoing reason the instant petition is **DISMISSED as moot**.²

This application is being forwarded to Technology Center 2600 for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-9199.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

¹ Effective December 1, 1997, the provisions of 37 C.F.R. §1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 C.F.R. §1.137(b). a grantable petition filed under the provisions of 37 C.F.R. §1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 C.F.R. §1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 C.F.R. §1.20(d)) required pursuant to 37 C.F.R. §1.137(c). (Emphasis supplied.)

² The petition fee (\$650.00) previously paid is being refunded via Treasury check.